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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,345	03/12/2001	James B. Henrie	35451/107	1137

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EXAMINER

LEWIS, MICHAEL A

ART UNIT PAPER NUMBER

2655

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,345

Applicant(s)

HENRIE ET AL.

Examiner

Lewis A Michael

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 02 6) ☐ Other: ____

DETAILED ACTION

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

2. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following error was observed—

(a) Claim dependency inconsistency (dependent claim, is 'self-referencing').

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,3,4 &15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Okada et al. (U.S. Patent 5095798).

Regarding claims 1, 3 & 4, Okada et al. disclose an apparatus, a gaming device [portable computing device] that has a sound generator that is configured to improve sound quality, comprising:

- a. A processing device (Col 8, Line 26).
 - b. A memory coupled to the processing device (Col 8, Line 33).
 - c. A sound generator coupled to the processing device (Col 11, Line 35).
 - d. A program residing in memory and configured to be run on the processing device, the program configured to vary the output amplitude of the sound generator depending on the sound generator frequency.
- Okada et al. describes a program consisting of routines (Col 20, Line 50) that control several tables including the duration table which is responsible for initializing, setting and storing information related to the register which is responsible for setting the duration of the sound.
- Okada et al. further describes the use of the duration settings and an Envelope Counter (102) that can then be used to control the amplitude level of the sound output signal based on frequency (Col 19, Line 17).

3. Claims 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Cole (U.S. Patent 5890115).

Regarding claims 15 & 20, Cole discloses a method of improving sound quality for a sound generator, comprising:

- a. Providing a signal indicative of a sound frequency to be generated (Col 13, Line 41).
- b. Accessing a look up table with or calculating volume adjustment information according to the sound frequency to be generated (Col 13, Line 20; Col 15, Line 48; Col 16, Line 20).
- c. Obtain volume adjustment information. The master volume is controlled by a register array that holds offset volume adjustment information (Col 16, Line 60).
- c. Providing the current volume setting (Col 16, Line 19).
- d. Adjusting the volume based on the volume adjustment information (Col 16, Line 56).

Regarding claims 16,17 & 18, Cole discloses the use of scaling by subtracting the volume adjustment information based on the current volume setting to obtain a scaled volume adjustment and setting the volume to the desired volume setting. Cole describes taking the current envelope volume and adding it to a current low frequency oscillator volume and subtracting a current offset volume in order to produce a scaled volume adjustment that is implemented to produce the desired volume setting (Col 16, Lines 16 – 30).

Regarding claim 19, Cole discloses a method of generating a sound at the

sound frequency to be generated. Cole describes a synthesizer frequency control register that controls the pitch [frequency] of the output signal (Col 17, Lines 10 – 15).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 2 & 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (U.S. Patent 5095798) in view of Klein (U.S. Patent 6011473)

Regarding claim 2, Okada et al. disclose an apparatus, a gaming device [portable computing device] that has a sound generator that is configured to improve sound quality, comprising:

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- a. A processing device (Col 8, Line 26).
- b. A memory coupled to the processing device (Col 8, Line 33).
- c. A sound generator coupled to the processing device (Col 11, Line 35).
- d. A program residing in memory and configured to be run on the

processing device, the program configured to vary the output amplitude of the sound generator depending on the sound generator frequency.

Okada et al. describes a program consisting of routines (Col 20, Line 50) that control several tables including the duration table which is responsible for initializing, setting and storing information related to the register which is responsible for setting the duration of the sound.

Okada et al. further describes the use of the duration settings and an Envelope Counter (102) that can then be used to control the amplitude level of the sound output signal based on frequency (Col 19, Line 17).

Okada et al. do not disclose the use of a sound generator as a buzzer.

However, Klein discloses the use of a sound generator as a buzzer (Col 4, Line 20). The use of buzzers in sound generators may be beneficial users who will like to be alerted about the status of a device.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify Okada to use buzzers as taught by Klein to alert a user on the status of a device.

Regarding claim 7, Okada et al. disclose an apparatus, a gaming device [portable computing device] that has a sound generator that is configured to improve sound quality, comprising:

- a. A processing device (Col 8, Line 26).
 - b. A memory coupled to the processing device (Col 8, Line 33).
 - c. A sound generator coupled to the processing device (Col 11, Line 35).
 - d. A program residing in memory and configured to be run on the processing device, the program configured to vary the output amplitude of the sound generator depending on the sound generator frequency.
- Okada et al. describes a program consisting of routines (Col 20, Line 50) that control several tables including the duration table which is responsible for initializing, setting and storing information related to the register which is responsible for setting the duration of the sound.
- Okada et al. further describes the use of the duration settings and an Envelope Counter (102) that can then be used to control the amplitude level of the sound output signal based on frequency (Col 19, Line 17).

Okada et al. do not disclose the incorporation of a sound generator into a mobile electronic device. However, Klein et al. teach use of a sound generator incorporated within a portable or mobile device (Col 4, Line 23). The use of sound generators incorporated within a mobile computer is beneficial to alert users about the status or unauthorized removal of their mobile device.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify Okada by incorporating a sound generator within a mobile device as taught by Klein to alert a user on the status of a mobile device.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (U.S. Patent 5095798) in further view of Campbell. (U.S. Patent 6532005).

Regarding claim 5, Okada et al. disclose an apparatus, a gaming device [portable computing device] that has a sound generator that is configured to improve sound quality, comprising:

- a. A processing device (Col 8, Line 26).
- b. A memory coupled to the processing device (Col 8, Line 33).
- c. A sound generator coupled to the processing device (Col 11, Line 35).
- d. A program residing in memory and configured to be run on the processing device, the program configured to vary the output amplitude

of the sound generator depending on the sound generator frequency.

Okada et al. describes a program consisting of routines (Col 20, Line 50) that control several tables including the duration table which is responsible for initializing, setting and storing information related to the register which is responsible for setting the duration of the sound.

Okada et al. further describes the use of the duration settings and an Envelope Counter (102) that can then be used to control the amplitude level of the sound output signal based on frequency (Col 19, Line 17).

Okada et al. do not disclose the incorporation of a sound generator into a mobile electronic device. However, Campbell teaches the use of a PDA with a sound generator incorporated for use in an audio positioning device (Col 3, Line 34).

PDA's equipped with sound generators are necessary for applications related to providing status alerts to users.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify Okada by incorporating a sound generator within a PDA device as taught by Campbell to provide sound within PDA devices.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (U.S. Patent 5095798) in view of Cohen (U.S. Patent 4283600).

Okada et al. disclose an apparatus, a gaming device [portable computing device] that has a sound generator that is configured to improve sound quality, comprising:

- a. A processing device (Col 8, Line 26).
- b. A memory coupled to the processing device (Col 8, Line 33).
- c. A sound generator coupled to the processing device (Col 11, Line 35).
- d. A program residing in memory and configured to be run on the

processing device, the program configured to vary the output amplitude of the sound generator depending on the sound generator frequency. Okada et al. describes a program consisting of routines (Col 20, Line 50) that control several tables including the duration table which is responsible for initializing, setting and storing information related to the register which is responsible for setting the duration of the sound. Okada et al. further describes the use of the duration settings and an Envelope Counter (102) that can then be used to control the amplitude level of the sound output signal based on frequency (Col 19, Line 17).

Okada et al. do not disclose the use of a filter as a means to flatten the frequency response of a sound generator. However, Cohen teaches the use of de-emphasis and emphasis filters to produce a flattened frequency response of the output signal of a sound generator (Col 7, Line 48). A flattened frequency response of sound is crucial for the delivery of good sound quality.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify Okada by the use of a filter to flatten the frequency response as taught by Cohen since it would have been necessary to deliver good sound quality.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (U.S. Patent 5095798) in view of Pfeiffer (U.S. Patent 4618985).

Regarding claim 8, Okada et al. disclose an apparatus, a gaming device [portable computing device] that has a sound generator that is configured to improve sound quality, comprising:

- a. A processing device (Col 8, Line 26).
 - b. A memory coupled to the processing device (Col 8, Line 33).
 - c. A sound generator coupled to the processing device (Col 11, Line 35).
 - d. A program residing in memory and configured to be run on the processing device, the program configured to vary the output amplitude of the sound generator depending on the sound generator frequency.
- Okada et al. describes a program consisting of routines (Col 20, Line 50) that control several tables including the duration table which is responsible for initializing, setting and storing information related to the register which is responsible for setting the duration of the sound.

Okada et al. further describes the use of the duration settings and an Envelope Counter (102) that can then be used to control the amplitude level of the sound output signal based on frequency (Col 19, Line 17).

Okada et al. do not disclose the following limitations:

- a. A modulator circuit coupled to the processor
- b. A transistor coupled the modulator circuit
- c. A sound generator coupled to the transistor

However, Pfeiffer teaches items a, b & c (Col 16, Line 55; Fig 9 (540) & Fig. 10 (608,602)). Pfeiffer describes the voice synthesizer circuit [claimed sound generator] (Fig 9) and its relationship to the modulator (540) with built-in transistor (542). Fig 10 shows the relationship of the voice synthesizer [claimed sound generator] (608) and the microprocessor (602). Modulators with built-in transistors are necessary to generate good quality sound.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify Okada et al. by incorporating a modulator with a transistor coupled to the sound generator as taught by Pfeiffer to generate a better sound quality.

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (U.S. Patent 5095798) in view of Pfeiffer (U.S. Patent 4618985) and in further view of Groff (U.S. Patent 4446334).

Regarding claim 9 (assuming dependency on claim 8), the modified Okada disclose the use of a processor with memory, a sound generator, a modulator and transistor. However, the modified Okada do not disclose the use of a Darlington transistor. However, Groff teaches the use of a Darlington transistor (Col 8, Line 52). Darlington transistors are necessary to produce a better quality sound.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the modified Okada by the use of a Darlington transistor as taught by Groff in order to provide a better quality sound.

11. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (U.S. Patent 5095798) in view of Pfeiffer (U.S. Patent 4618985) and in further view of Campbell. (U.S. Patent 6532005).

Regarding claim 10, the modified Okada disclose the use of a processor with memory, a sound generator, a modulator and a transistor. In addition, the modified Okada teaches the use of a Darlington transistor. However, the

modified Okada do not disclose the use of a sound generator with the above features incorporated into a PDA. However, Campbell teaches a sound generator incorporated into a PDA (Col 3, Line 34). PDA's equipped with sound generators are necessary for applications within its memory related to sound.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the modified Okada by incorporating a sound generator device as taught by Campbell to provide good sound quality audio within a PDA devices.

12. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (U.S. Patent 5095798) in view of Pfeiffer (U.S. Patent 4618985) and in further view of Klein (U.S. Patent 6011473).

Regarding claim 11, the modified Okada disclose the use of a processor with memory, a sound generator, a modulator and a Darlington transistor. Okada et al. do not disclose the incorporation of a sound generator into a mobile electronic device. However, Klein et al. teach use of a sound generator incorporated within a portable or mobile device (Col 4, Line 23). The use of sound generators incorporated within a computer may be beneficial to alert users about the status or unauthorized removal of their mobile device.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the modified Okada by incorporating a sound generator within a mobile device as taught by Klein to alert a user on the status of a mobile device.

13. Claims 12,13 & 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (U.S. Patent 5095798) in view of Pfeiffer (U.S. Patent 4618985) in further view of Klein (U.S. Patent 6011473) in further and further in view of data (attached to references) which show widespread use of Bujeon and Citizen sound generator circuit within the industry over twenty years.

Regarding claim 12,13 &14, the modified Okada et al. disclose the use of a processor with memory, a sound generator, a modulator and a Darlingon transistor. The modified Okada do not teach the use of Bujeon or Citizen sound generators. However, based on Bujeon (www.bujeon.com/history) and Citizen (www.c-e.co.jp/company) company data, the sound generators for both companies have been widely used throughout the industry as buzzers for over twenty years before the claimed invention. The use of sound generators as buzzers incorporated within a computer may be beneficial to alert users in case of theft or other status information.

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Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the modified Okada by the use of Bujeon and Citizen sound generators as buzzers since they were widely accepted within the industry for providing alerts or status information.

Conclusion

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

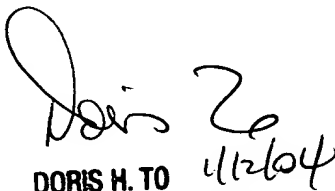
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Lewis, telephone number (703) 305-8730.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached at (703) 305-4827. The facsimile phone number for this group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

mal

1/7/2003


DORIS H. TO 1/12/04
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